

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2292 - HB 2492

March 3, 2020

SUMMARY OF BILL: Enacts the Protection of Private Property and Sporting Rights Act (Act). Limits the authority of wildlife resource officers (officers) to enter any privately owned property. Prohibits officers from confiscating, taking into possession, or holding any private property, including, but not limited to cash, vehicles, weapons, tools, or wild game without documentation and corroboration that a felony offense has been committed and the presence of a local law enforcement officer. Establishes that any evidence obtained from a search and seizure in violation of the provisions of this Act is inadmissible in any judicial proceeding. Establishes that any arrest made from a search and seizure in violation of this Act is invalid. Makes any officer personally and civilly liable for any offense in violation of this Act, including illegal entry onto private property.

ESTIMATED FISCAL IMPACT:

Decrease State Revenue - \$181,029/Wildlife Resources Fund

Assumptions:

- Currently, the TWRA has the ability to enter onto private lands to check for license compliance when there is reasonable suspicion that an individual on said lands is engaged in hunting or fishing.
- TWRA officers don't currently have the authority to search a dwelling, building, or the interior of a vehicle without a warrant.
- This legislation will require a search warrant before entering private property for any reason; however, officers who enter private property do not have the necessary information to secure a search warrant, so this legislation will impede officers' ability to ensure adherence to Tennessee game laws and will, in effect, prevent the TWRA from checking for licenses on private property.
- Approximately 90 percent of land in Tennessee is privately owned.
- The majority of hunting that takes place in Tennessee is performed on private land.
- If the TWRA cannot reasonably enter onto private property to check for licensure compliance, it is assumed that a number of license types will see a decrease in issuance, as certain individuals would see no need to purchase a license if officers could not check for compliance.
- The 10-year average licensure revenue of all the resident licenses and other affected licenses totals \$30,276,503.

- It is assumed that this legislation will result in a one-half percent decrease in state licensure fee revenue to the Wildlife Resources Fund.
- A recurring decrease in state licensure fee revenue in FY20-21 and subsequent years of \$151,383 ($\$30,276,503 \times 0.5\%$).
- The TWRA issued 1,098 citations between 2015 through 2018 for hunting without a license, or approximately 275 citations per year for hunting without a license.
- This number includes citations issued on public and private property.
- It is unknown where exactly such citations were issued.
- It is assumed that approximately 90 percent of such citations were issued to hunters on private lands who did not hold a license and thus, were in noncompliance. The cost of a citation ranges from \$10 to \$50, or \$30 on average.
- This legislation will result in a recurring decrease in annual citation revenue of approximately \$29,646 ($1,098 \times 90\% \times \30).
- A total decrease in state revenue to the Wildlife Resources Fund in FY20-21 and subsequent years of \$181,000 ($\$151,383 + \$29,646$)

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jdb